

REMARKS

I. Formalities

Applicant thanks the Examiner for indicating that the Formal Drawings filed on June 9, 2000 are accepted.

II. Status of the Application

By the present amendment, Applicant amends claims 29 and 30. Claims 1-8 and 11-30 are all the claims pending in the application. Claims 1-7, 16-17, 19-22, 24-27 and 29-30 have been rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

III. Allowable Subject Matter

Applicant thanks the Examiner for indicating in the Office Action dated January 31, 2006 that claims 8, 18, 23 and 30 would be allowed if rewritten in independent form.

Applicant also thanks the Examiner for indicating during the telephone interviews conducted with Applicant's representative, Andrew J. Taska, on March 1, 2006 and on March 9, 2006, respectively, that claims 1-8 and 11-28 are allowable, and that claims 29 and 30 would be allowable if rewritten to overcome the Examiner's rejections under 35 U.S.C. § 101.

Applicant has amended claims 29 and 30, as set forth above, and respectfully submits that claims 29 and 30 satisfy the requirements of 35 U.S.C. § 101. Therefore, Applicant submits that claims 1-8 and 11-30 are in a condition for immediate allowance.

IV. Statement of Substance of Interview

A. Telephone Interview on February 22, 2006

A telephonic interview was conducted on February 22, 2006 between Examiner James A. Reagan of the U.S. Patent and Trademark Office and Applicant's representative, Andrew J. Taska.

The interview was initiated by Applicant's representative.

During the interview, Applicant's representative asked Examiner Reagan for clarification as to whether the Office Action dated January 31, 2006 was classified as being Final or Non-Final since both the "Final" and "Non-Final" boxes had been checked on the Office Action Summary attached to the Office Action dated January 31, 2006. In response, Examiner Reagan indicated that he had inadvertently checked both the "Final" and "Non-Final" boxes, and that the Office Action dated January 31, 2006 was classified as being Non-Final. Examiner Reagan further agreed to issue an Interview Summary stating that the Office Action dated January 31, 2006 was classified as being Non-Final. An Examiner's Interview Summary Record (PTO-413) dated March 1, 2006 to this effect was received by Applicant's representative on March 7, 2006.

No exhibits or demonstrations were provided during the interview and no amendments were proposed by Applicant's representative.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

B. Telephone Interview on March 1, 2006

A telephonic interview was conducted on March 1, 2006 between Examiner James A. Reagan of the U.S. Patent and Trademark Office and Applicant's representative, Andrew J. Taska.

The interview was initiated by Applicant's representative.

During the interview, Applicant's representative pointed out that the Examiner had failed to respond to any of the arguments previously advanced in the Response under 37 C.F.R. § 1.116 filed on October 4, 2005 (hereinafter "the previous Response"). Applicant's representative also reiterated the arguments advanced in the previous Response. As a result, Applicant's representative and Examiner Reagan were able to reach an agreement that claims 1-8 and 11-28 are immediately allowable, and that claims 29 and 30 would be allowable if rewritten to overcome the Examiner's rejections under 35 U.S.C. § 101. Additionally, Examiner Reagan agreed to issue an Interview Summary stating that claims 1-8 and 11-28 are immediately allowable, and that claims 29 and 30 would be allowable if rewritten to overcome the Examiner's rejections under 35 U.S.C. § 101.

No exhibits or demonstrations were provided during the interview and no amendments were proposed by Applicant's representative.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

C. Telephone Interview on March 9, 2006

A telephonic interview was conducted on March 1, 2006 between Examiner James A. Reagan of the U.S. Patent and Trademark Office and Applicant's representative, Andrew J. Taska.

The interview was initiated by Applicant's representative.

During the interview, Applicant's representative indicated that Applicant had not yet received an Interview Summary stating that claims 1-8 and 11-28 are immediately allowable, and that claims 29 and 30 would be allowable if rewritten to overcome the Examiner's rejections under 35 U.S.C. § 101, which the Examiner had agreed to provide to Applicant during the telephonic interview conducted on March 1, 2006. Examiner Reagan indicated that he had inadvertently failed to send the requested Interview Summary and stated that he would send an Interview Summary as soon as practicable. An Examiner's Interview Summary Record (PTO-413) dated March 9, 2006 stating that the Examiner has agreed to allow the present application was received by Applicant's representative via facsimile on March 9, 2006.

No exhibits or demonstrations were provided during the interview and no amendments were proposed by Applicant's representative.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

V. Claim Rejections - 35 U.S.C. § 101

The Examiner has rejected claims 29 and 30 under 35 U.S.C. § 101 alleging that the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner states

that claims 29 and 30 are directed towards a program data signal being embedded in a carrier wave, which is not tangibly embodied on a computer-readable medium.

Claims 29 and 30 have been amended, as set forth above, to recite the feature of “a computer-readable storage medium comprising...” Therefore, Applicant respectfully submits that claims 29 and 30 are directed toward statutory subject matter in accordance with the requirements of 35 U.S.C. § 101. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

VI. Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected 1-7, 16, 17, 19-22, 24-27, and 29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,191,611 to Lang (hereinafter “Lang”), in view of U.S. Patent No. 4,907,268 to Bosen *et al.* (hereinafter “Bosen”), in view of European Patent 0 878 780 A2 to Whytock (hereinafter “Whytock”), in view U.S. Patent No. 5,948,103 to Fukuzaki (hereinafter “Fukuzaki”) and further in view of U.S. Patent No. 4,993,068 to Piosenka (hereinafter “Piosenka”).

Applicant traverses these rejections for *at least* the reasons previously set forth in the Response under 37 C.F.R. § 1.116 filed on October 4, 2005. Indeed, during the telephone interview conducted with Applicant’s representative, Andrew J. Taska, on March 9, 2006, Examiner Regan indicated that claims 1-8 and 11-28 are allowable, and that claims 29 and 30 would be allowable if rewritten to overcome the Examiner’s rejections under 35 U.S.C. § 101. Therefore, Applicant respectfully submits that claims 1-7, 16, 17, 19-22, 24-27, and 29 are

allowable *at least* by virtue of the Examiner's indication of allowability. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

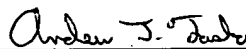
Respectfully submitted,

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